

Improvement Res. No. 1358-74

for the vacation of the first alley  
west of Wabash Avenue from the  
north property line of Wayne Trace  
to the south property line of  
the Norfolk & Western Railway  
Co. (Wabash Div.) right of way.

Resolution Adopted:

March 11, 1974

Confirmed:

March 11, 1974

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

April 11, 1974

B.O. 130-1972

DECLARATORY RESOLUTION NO. 1358-1974

for the vacation of the first alley west of Wabash Avenue from the north property line of Wayne Trace to the south property line of the Norfolk & Western Railway Company. (Wabash Div.) right of way.

ADOPTED: March 11, 1974

ADVERTISE NOTICE TO PROPERTY OWNERS:

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: Mar. 11, '74  
Ord. A. R. of B. & D.

Property Owner  
Note: Waiver on this  
resolution.

ASSESSMENT ROLL ORDERED:

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION OF A. R.: Thurs. April 11, 1974  
at 3:30 p.m.

NOTICE SERVED: March 29, 1974

ASSESSMENT ROLL CONFIRMED. April 11, 1974

Taken to D. Of F. 4/15/74



60-252-4  
3/11/74

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of the first alley west of Wabash Avenue from the north property line of Wayne Trace to the south property line of the Norfolk & Western Railway Co. (Wabash Division) right of way.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley west of Wabash Avenue from the north property line of Wayne Trace to the south property line of the Norfolk & Western Railway (Wabash Division) right of way.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots 185 to 196 inclusive in Fletcher's Addition and Lots 1 to 18, 40 and 41, all in Winch's 1st, 2nd and 3rd Amended Additio. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, ~~water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the Northwest quarter of Section Seven, Township 30 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

11<sup>th</sup>

DAY OF

March 19 74

Attest:

E. J. Smith  
Secretary Board of Public Works.

Ronald L. Brown  
Board of Public Works.

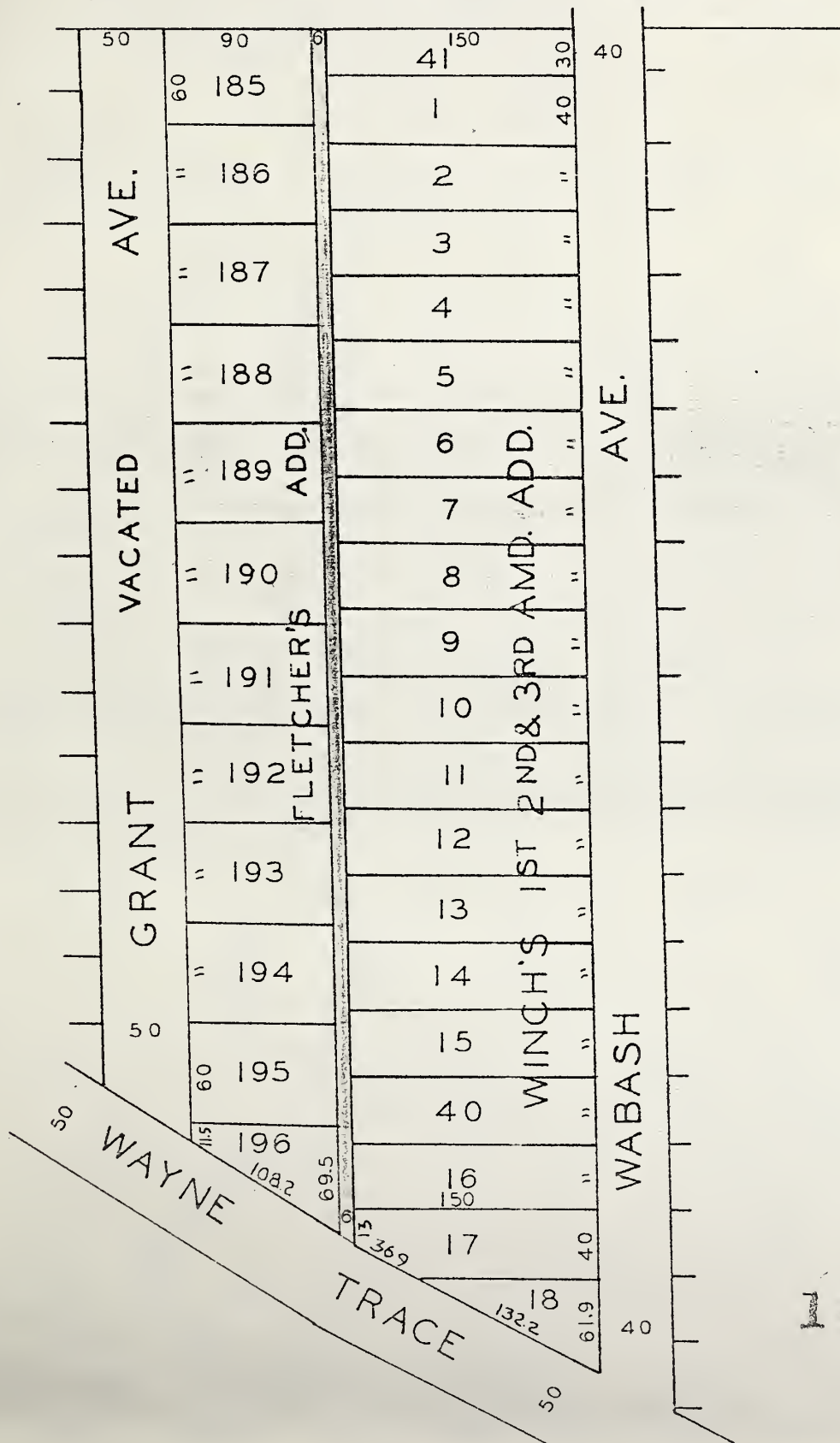






ALLEY TO BE VACATED

N. & W. RAILWAY CO. WABASH DIV.



1358



GRANT OF EASEMENT

THIS INDENTURE WITNESSES THAT: TOKHEIM CORPORATION, an Indiana Corporation, of Allen County, State of Indiana, hereinafter referred to as "GRANTOR", for and in consideration of One Dollar, receipt of which is hereby acknowledged, does hereby subject to conditions herein grant, convey and warrant to the CITY OF FORT WAYNE, hereinafter referred to as "GRANTEE", a permanent easement and right of way to construct, operate, control, maintain, reconstruct, and remove, a sewer line, along and across the following described real property, located in Allen County, State of Indiana, to-wit:

1974 FEB 13 PM 1:47

ALLEN COUNTY RECORDER

Six (6) feet on either side (for a total of twelve (12) feet) from the center line of the vacated six (6) foot alley-way running North and South from the Wabash Railroad right-of-way on the North to Wayne Trace on the South between lots 185 thru 196 inclusive in Fletcher's Addition on the West and lots 41, 1 thru 15 inclusive, lot 40 and lots 16 and 17 of Winch's Addition First, Second and Third Amended on the East.

DULY ENTERED FOR TAXATION

FEB 13 1974

*Dorothy E. Raver*  
AUDITOR OF ALLEN COUNTY

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this grant.

Grantor further grants to Grantee the right to open the space above said sewer in the immediate area where repair or replacement of sewer tile section(s) is necessary to the functioning of the sewer.

Where said opening is under a permanent improvement, replacement and repair of the improvement shall be at Grantor's expense. No opening of the sewer shall occur without adequate notice under prevailing conditions having been first given to the Grantor or its successor in interest establishing the necessity of excavating to the sewer and the method and procedure to be followed by the Grantee. The size of the excavation and resultant damage to the subject property shall be minimized and all work carefully supervised by Grantee's designated officials and authorized competent employees.





Grantor agrees at its expense to clear the ground/area  
in the easement subject to excavation.

The foregoing shall constitute a covenant running with the  
land binding the Grantors and their assigns and legal successors  
in interest.

EXECUTED THIS 23<sup>rd</sup> day of January, 1974.

TOKHEIM CORPORATION

BY: Joseph J. Guidrey  
Joseph J. Guidrey, President

BY: Stan C. Kaiman  
Stan C. Kaiman, Secretary

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ALLEN     )

Before me, the undersigned, a Notary Public in and for  
said county and state, personally appeared TOKHEIM CORPORATION, an  
Indiana Corporation, by Joseph J. Guidrey, its President, and  
Stan C. Kaiman, its Secretary, and acknowledged the execution  
of the foregoing Grant of Easement, as its voluntary act and deed,  
for the uses and purposes therein set forth.

WITNESS my hand and notarial seal, this 23<sup>rd</sup> day of  
January, 1974.

Albert C. Chorman  
Notary Public

My Commission Expires:

June 3, 1974

This instrument prepared by Jerome J. O'Dowd, Attorney at Law.



130-22

NOTED  
☐ J.D.B.  
☒ R.L.B.  
☐ W.G.W

# P E T I T I O N

Fort Wayne, Ind., July 14, 1972 Date

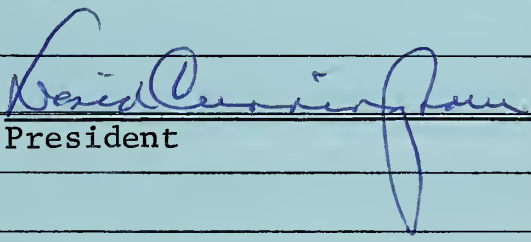
To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

Tokheim Corporation - The undersigned, owners of real estate on Wabash Avenue on the East, the Wabash Railroad right-of-way on~~xx~~the North, vacated Grant Avenue on~~xx~~the West, Wayne Trace on the South respectfully petition for the passage of a resolution providing for the vacation of a six (6) foot alley-way within confines of the above indicated Tokheim solely owned property. Said alley-way being legally described as follows:

A six (6) foot alley-way running North and South from the Wabash Railroad right-of-way on the North to Wayne Trace on the South between lots 185 thru 196 inclusive in Fletcher's Addition on the West and lots 41, 1 thru 15 inclusive, lot 40 and lots 16 and 17 of Winch's Addition First, Second and Third Amended on the East.

TOKHEIM CORPORATION

By:   
President

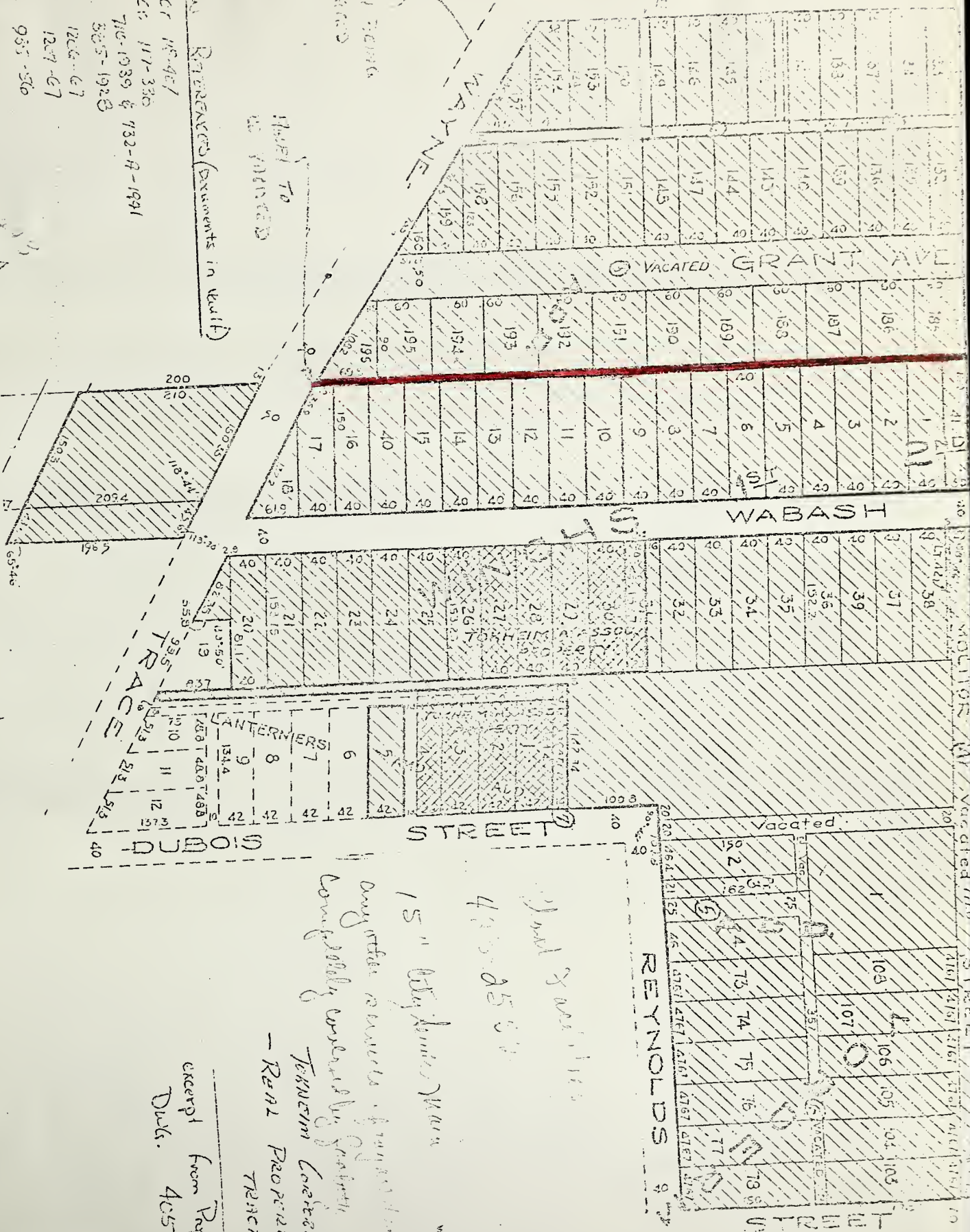




OFFICE

- 1. 117-330
- 2. 710-1039 & 732-A-1991
- 3. 505-1928
- 4. 1206-67
- 5. 1227-67
- 6. 935-56

RECORDED (Documents in Vault)



15" City of Kansas  
 City of Kansas  
 County of Leavenworth  
 - Real Property: Leavenworth  
 TRACT

Excerpt from Property layout  
 Date. 405425

806





Make Feden

made Blueback  
3/11/74





systems for the movement  
and measurement of liquids

NOTED

J.E.S.

R.L.B.

W.G.W.

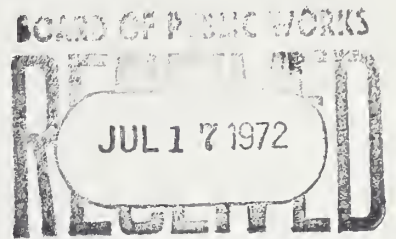
Date

TOKHEIM CORPORATION / 1600 WABASH AVENUE / FORT WAYNE, INDIANA 46801 / (219) 423-2552

STAN C. KAIMAN  
SECRETARY AND  
COMPANY COUNSEL

July 14, 1972

Board of Public Works  
City of Fort Wayne  
City-County Building  
Fort Wayne, Indiana 46802



Attention: Dr. Jerry D. Boswell, Chairman

Gentlemen:

Enclosed find two Petitions and two marked drawings showing an alley-way which Tokheim Corporation wishes vacated. The alley-way is located between properties of which Tokheim is the sole owner. A Waiver of Notice of Public Hearing on said Petition is also enclosed.

It will be appreciated if the Board of Public Works will note the filing of this Petition in your office for Resolution following public hearing and favorable action by both the City Plan Commission and the Common Council.

Your assistance in this matter will be very much appreciated.

Very truly yours,

TOKHEIM CORPORATION

*Stan C. Kaiman*  
STAN C. KAIMAN

SCK/gw  
cc: Mr. David Cunningham  
Attachments





# P E T I T I O N

Fort Wayne, Ind., July 14, 1972

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

Tokheim Corporation - The undersigned, owners of real estate on ~~Wabash Avenue on the East, the Wabash Railroad right-of-way on~~ from the North, ~~vacated Grant Avenue on to the West, Wayne Trace on the South~~ respectfully petition for the passage of a resolution providing for the vacation of a six (6) foot alley-way within confines of the above indicated Tokheim solely owned property. Said alley-way being legally described as follows:

A six (6) foot alley-way running North and South from the Wabash Railroad right-of-way on the North to Wayne Trace on the South between lots 185 thru 196 inclusive in Fletcher's Addition on the West and lots 41, 1 thru 15 inclusive, lot 40 and lots 16 and 17 of Finch's Addition First, Second and Third Amended on the East.

TOKHEIM CORPORATION

By: 

President





WAIVER OF NOTICE OF PUBLIC HEARING

TO THE BOARD OF PUBLIC WORKS, CITY OF FORT WAYNE, CITY-COUNTY  
BUILDING, FORT WAYNE, INDIANA:


Tokheim Corporation has filed its Petition with the Board  
of Public Works for the vacating of the following described alley-way:


A six (6) foot alley-way running North and South  
from the Wabash Railroad right-of-way on the  
North to Wayne Trace on the South between lots  
185 thru 196 inclusive in Fletcher's Addition  
on the West and lots 41, 1 thru 15 inclusive,  
lot 40 and lots 16 and 17 in Winch's Addition  
First, Second and Third Amended on the East.

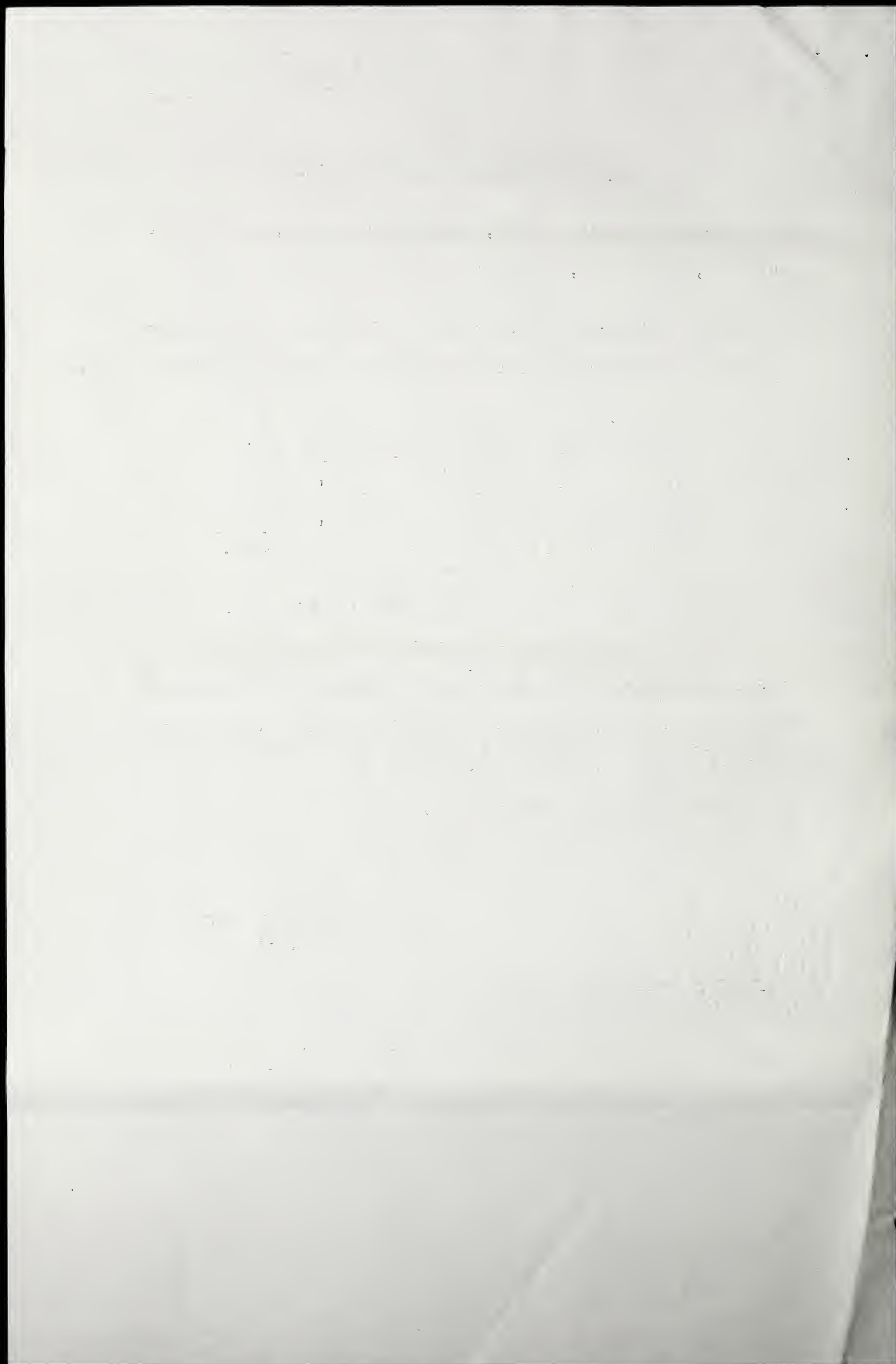
The aforesaid parcel of real estate in which said alley-way  
is located is solely owned by Tokheim Corporation. Tokheim  
Corporation by this instrument waives Notice of Public Hearing  
by the Board of Public Works of the City of Fort Wayne on its  
Petition for the vacating of said alley-way.

Filed this 14<sup>th</sup> day of July, 1972.

(CORPORATE SEAL)

  
\_\_\_\_\_  
David Cunningham, President  
Tokheim Corporation

  
\_\_\_\_\_  
Stan C. Kaiman, Secretary  
Tokheim Corporation



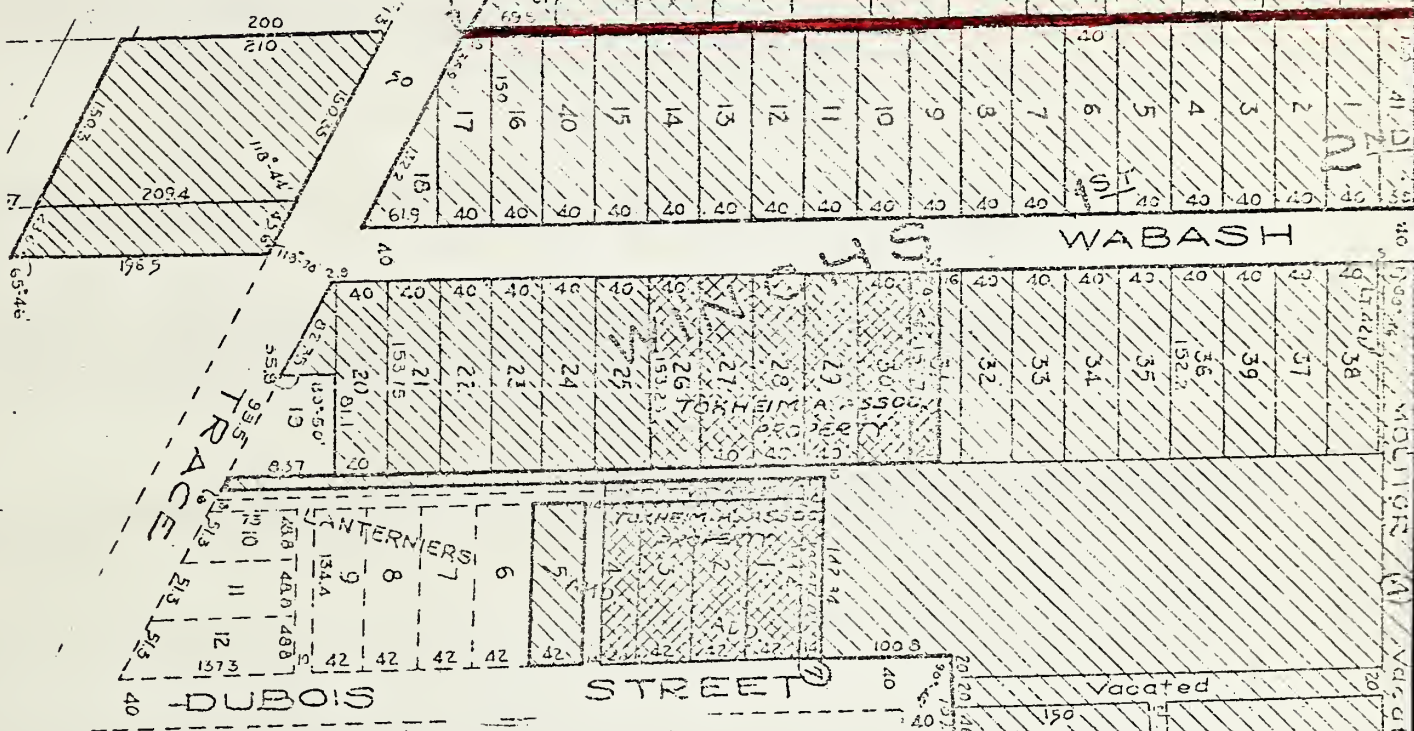
- ① C.R. 66 117-427
- ② C.R. 66 117-326
- ③ D.R. 710-1939 & 1932-A-1991
- ④ D.R. 585-1928
- ⑤ D.R. 1200-67
- ⑥ D.R. 1207-67
- ⑦ D.R. 935-56

Section. REFERENCES (Documents in vault)

Plat to be vacated

FILED RECORD

WAYNE



15" by 10" plan  
any other records of any kind  
completely covered by plat  
TERRAIN COASTAL  
- Real Property: Licens  
TRACT

except from Property layout  
Data. 405425

SK  
6-5-





OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 130

Date July 17, 1972

To City Engineer

Subject Vacation - Tokheim Corporation

B. O. 130 has been assigned to the attached. The petition has been forwarded to City Plan for processing.

JERRY D. BOSWELL  
RONALD L. BONAR  
WILLIAM G. WILLIAMS  
BOARD OF PUBLIC WORKS

RECEIVED

JUL 18 1972

CITY ENGINEERING DEPT.

dk

Signed \_\_\_\_\_

Reply:

March 6, 1974

Declaratory Resolution 1358-1974, property ownership list, drawing and sewer easement dedication completed and attached.

No other easements were requested or acquired.

Waiver of public hearing is on file.

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

1c  
attachs.

NOTED

☐

J.D.B.

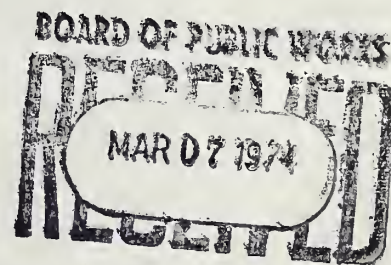


R.L.B.

☐

W.G.W.

Date \_\_\_\_\_



60-252-4

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

10/10/29

10/10/29

10/10/29

10/10/29



B.O. 130-1972

60-252-4  
March 11, 1974

STREET ENGINEERING DEPARTMENT

Dec. Res. No. 1358-74 - vacation of first alley west of Wabash Ave.

Subject resolution adopted. WAIVER signed by the property owner.

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL  
R. L. BONAR  
W. G. WILLIAMS  
BOARD OF PUBLIC WORKS

ajf

enc. P.O. List

4-252-4

March 11, 1971

P.O. 130-1072

STREET ENGINEERING DEPARTMENT

Rec. Res. No. 130-74 - vacation of first alley west of Kansas Ave.

Subject resolving adopted. WAIVER signed by the property owner.

CONTINUED.

Please prepare Assessment Roll of benefits and damages.

W. G. WILLIAMS  
R. L. BOWMAN  
I. D. BOSWELL  
BOARD OF PUBLIC WORKS

gls

enc. P.O. 130-1072



City of Fort Wayne



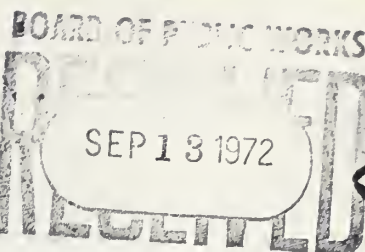
CITY-COUNTY BUILDING  
ONE MAIN STREET  
Room 740

ENGINEERING DEPARTMENT

NOTED

☒ J.D.B.  
☒ R.L.B.  
☒ W.G.W.

Date \_\_\_\_\_



FORT WAYNE, INDIANA 46802

September 13, 1972

*Lohm Corp*

Northern Indiana Public Service Company  
Indiana & Michigan Electric Co.  
General Telephone Co. of Indiana

We have received a petition to vacate the following:

The first alley west of Wabash Avenue from the north property line of Wayne Trace to the south property line of the Norfolk & Western Railway Co. (Wabash Division) right of way.

Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Yours truly,

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

lc  
attach.

cc: Board of Public Works ✓  
(Board Order No. 130-1972)





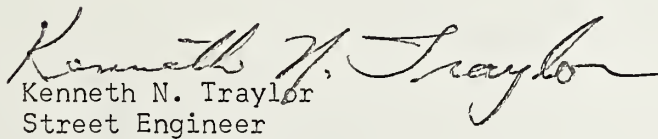
September 13, 1972

William J. Jones  
City Plan Director

Tom Manny  
Traffic Engineer

Please submit your opinion and recommendation on the following  
proposed vacation:

The first alley west of Wabash Avenue from the north  
property line of Wayne Trace to the south property line  
of the Norfolk & Western Railway Co. (Wabash Division)  
right of way.

  
Kenneth N. Traylor  
Street Engineer

lc  
attach.

cc: Board of Public Works ✓  
(Board Order No. 130-72)









Date July 17, 1972

To: Gary Baeten, City Plan

Subject: B. O. 130

Attached is petition from Tokheim Corporation for vacation of alley-way between two of their properties. Please process.

JERRY D. BOSWELL  
RONALD L. BONAR  
WILLIAM G. WILLIAMS  
BOARD OF PUBLIC WORKS

dk





OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 130-1972

Date March 11, 1974 60-252-4

STREET ENGINEERING DEPARTMENT

Subject Dec. Res. No. 1358-74 - vacation of first alley west of Wabash Ave.

Subject resolution adopted. WAIVER signed by the property owner.  
CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL  
R. L. BONAR  
W. G. WILLIAMS  
BOARD OF PUBLIC WORKS

ajf

enc. P.O. List

RECEIVED

MAR 11 1974

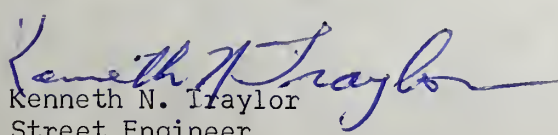
CITY ENGINEERING DEPT.

Signed \_\_\_\_\_

Reply:

March 20, 1974

Assessment roll of benefits and damages completed and attached.

  
Kenneth N. Traylor  
Street Engineer

lc  
attachs.

60-265-5

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



# Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, March 29 19 74

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the vacation of the first alley west of Wabash Avenue from the north property line of Wayne Trace to the south property line of Norfolk and Western Railway..... Company...(Wabash Division)...right...of...way.....

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

BENEFITS	DAMAGES
----------	---------

\$1.00	\$1.00
--------	--------

All in pursuance to Declaratory Resolution No. 1358-1974, adopted by the Board of Public Works of said City, on the 11th day of March, 1974, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at 3:30 o'clock P. M., on the 11th day of April, 1974, for the purpose of hearing and considering any remonstrance which you may desire to present in regard to the amount of your assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.



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**NOTICE**  
**OF ASSESSMENT OF BENEFITS**  
**OR AWARD OF DAMAGES**

Against .....

.....

.....

Account ..... Declaratory Res. 1358-74 .....

Vacation of first alley west of .....

Wabash Avenue. ....

---

---

Served on .....

.....

by reading and leaving a copy at

.....

No. .... Street

on the..... day of....., 19.....

---

---

Served by .....

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## DECLARATORY

**Improvement Resolution No. 1358 74 For** THE VACATION OF THE FIRST ALLEY WEST OF WABASH AVENUE FROM THE NORTH PROPERTY LINE OF WAYNE TRACE TO THE SOUTH PROPERTY LINE OF THE NORFOLK & WESTERN RAILWAY CO. (WABASH DIV) RIGHT OF WAY.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	TOKHEIM CORPORATION	1600 Wabash Ave	185			FLETCHER'S ADD
2	"	"	186			"
3	"	"	187			"
4	"	"	188			"
5	"	"	189			"
6	"	"	190			"
7	"	"	191			"
8	"	"	192			"
9	"	"	193			"
10	"	"	194			"
11	"	"	195			"
12	"	"	196			"
13	"	"	1			WINCH'S 1ST 2ND 3RD AND 4TH
14	"	"	2			"
15	"	"	3			"
16	"	"	4			"
17	"	"	5			"
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TOTAL						

1358-74